

REMARKS

Claims 1, 2, 4, 5 remain in the case.

Reconsideration of this Application and entry of the foregoing amendments are requested. Claims 1, 2, 4, 5 have been amended in view of the Office Action and to better define what the Applicants consider their invention, as fully supported by an enabling disclosure.

DESCRIPTION

Applicant amends paragraphs 14, 15 and 16 to correct errors or omissions and to correspond to the figures as filed. No new matter has been added. Entry of these corrections is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112

The Examiner has rejected claims 1, 2, 4 and 5 as failing to comply with the enablement description under 35 U.S.C. § 112, first paragraph.

The Applicants respectfully traverse the rejection as follows.

Applicant amends the description at paragraphs 0015 and 0016 to more clearly describe features of the invention as illustrated in Figures 1 and 2 as filed, and paragraph 0004 as filed.

The present invention deals with a bore seal type cylinder, as stated in the Field of the Invention section (see paragraph 0001) as opposed to a rod seal type cylinder (see paragraph 0003). As described in the "Background of the Invention" section as filed (see paragraph 0003), a rod seal type cylinder comprises sealing rings sliding on the exterior diameter of each tubular section, and is a system closed to the atmosphere.

Known bore seal type cylinders, such as described in the "Background of the Invention" section as filed (see paragraph 0004) comprise sealing rings that slide on

the internal diameter of each tubular section (see paragraph 0004), and are open to air, wherein air is allowed in (see paragraphs 0004 and 0012).

In the present invention, the cylinder comprises bore seals 42, 46 and 50 that "...provide a sealing wall between the areas where the fluid is present and the ambient air..." (see paragraph 0016 as filed). As people in the art can readily appreciate from the figures as filed, the fluid is always maintained on a same side of the bore seals 42, 46 and 50, and air, in such system open to the atmosphere, is always maintained on the opposite side thereof.

From the foregoing, it is respectfully submitted that the subject matter of the claims is sufficiently described in the specification in such a way to enable one skilled in the art to which it pertains, to make and/or use the invention.

The Examiner has rejected claims 1, 4 and 5 as being indefinite under 35 U.S.C. § 112, second paragraph.

The Applicants respectfully traverse the rejection as follows.

Applicant amends the claims to more precisely recite what it believes the invention is, as supported in the description as filed.

In view of the above and foregoing, it is respectfully requested that the Examiner withdraw the rejection of claims 1, 2, 4 and 5 under 35 U.S.C. § 112.

REJECTIONS UNDER 35 U.S.C. § 103 FIRST PARAGRAPH

The Examiner has rejected claims 1, 2, 4 and 5 as being unpatentable over US patent no. 5,983,778 to **Dawson** in view of US patent no. 3,508,773 to **Coberly**, under 35 U.S.C. § 103, first paragraph.

The Applicants respectfully traverse the rejection as follows.

Dawson is concerned with a telescopic hydraulic hoist mechanism lighter than available hoists and not subject to corrosion (see column 2 lines 48-58), and

therefore teaches using aluminium alloy. As people in the art will appreciate, anti-friction rings are needed in this case, between the tubular sections. Such structure is not required in the present invention given that the claims require nitrided steel. Moreover, Dawson requires the use of breathers on each hydraulic stage (see column 3 lines 22-29) to prevent dirt from being sucked into the hydraulic mechanism (see column 1, lines 10-11).

Coberly is in general not well applicable to telescoping hoists, as it provides a friction-type rod joint, that is, a coupling that is positioned on the external diameter of a rod section for joining two sections of rod. **Coberly** describes an external coupling 22 connecting two end portions 28, 30 of sucker rods 32, 42 by means of a friction fit, to form a sucker rod string 36 (See figure 1). In **Coberly**, the external coupling 22 is preferably made in a nitrided steel to withstand high pressure damage such as galling. Once assembled, the external coupling 22 is fixed with respect to the end portions, that is, there is no linear, sliding, telescopic movement of any one member with respect to another. In fact, once assembled, any such sliding movement would be destructive to the objectives of the joint formed by **Coberly**.

Further, since **Coberly** teaches a joint with a friction fit, it in effect teaches that the nitrided steel has a high coefficient of friction and that, even in the presence of lubricating fluid, maintains sufficient resistance to sliding movement as to exceed the yield strength of the body of the rod (see column 5, lines 65-75). Moreover, the teachings of **Dawson**, relating to light weight, teach away from using a material such as nitrided steel as described in **Coberly**.

A person of ordinary skill in the art, by combining the teaching of **Coberly** with that of **Dawson** would not be led to the telescopic hoist as recited in the claims. As now amended, each of the claims sets forth a telescopic hoist having tubular sections formed of nitrided steel which, during normal operation, slide telescopically in contact with each other, separated only by a film of the pressurized fluid on the surface asperities of the tubular sections.

In view of the above and foregoing, it is respectfully requested that the Examiner withdraw the rejection of claims 1, 2, 4 and 5 under 35 U.S.C. § 103, first paragraph.

The rejections of the claims are believed to have been overcome by the present remarks and amendments. From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such an action is earnestly solicited.

Respectfully submitted,

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